

CHAPTER 3.27 MIXED USE EMPLOYMENT (MUE) ZONE

Section 3.27.10 - PURPOSE

This zone introduces some commercial and residential uses into areas with industrial designations on the Comprehensive Plan Map, while maintaining the City's supply of industrially designated lands. It is intended to provide a variety of employment uses, including limited industrial uses and commercial, civic, and residential uses, at a scale appropriate to surrounding employment areas. Key objectives of the Mixed Use Employment Zone include:

- a. Expand employment opportunities by allowing businesses to locate in a variety of locations;
- b. Provide services for employees in close proximity to their work place;
- c. Provide options for living, working, and shopping environments;
- d. Facilitate more intensive use of land while minimizing potentially adverse impacts; and
- e. Provide options for pedestrian oriented lifestyles.

Section 3.27.20 - GENERAL PROVISIONS

3.27.20.01 - Establishment of the MUE Zone

The MUE Zone shall be applied to properties with industrial designations on the Comprehensive Plan Map or to lands designated through a quasi-judicial or legislative process. When the zone is applied to parcels via the quasi-judicial Zone Change process, the proposal shall meet the zone change criteria of section 2.2.40 in Chapter 2.2 - Zone Changes, and the following criteria for zone location, dimensions, and size.

a. Locational Criteria

The following locational criteria shall be applied to zone changes, in conjunction with Chapter 2.2 - Zone Changes.

- 1. The MUE Zone shall be located in areas with lot sizes of generally less than 20 acres;

AND EITHER

2. All portions of the MUE Zone shall be located within 1/4 mile of existing or planned transit service;

OR

3. The MUE Zone shall be located in areas determined through a Planned Development process to be necessary to provide mixed use opportunities and services to adjacent areas.

b. Zone Size and Dimensions

1. The zone shall have a minimum size of ½ block or 1 acre. It may be composed of smaller parcels when the total area of the zone is equal to or greater than 1 acre. Public street rights-of-way shall not count toward the total area of a zone.
2. A Planned Development zoning overlay shall be applied to MUE zones that exceed 5 acres or involve multiple parcels. If all parcels within the zone are not concurrently developed, the Planned Development Review shall focus on the developing parcel and ensure that the proposed development does not preclude development of the adjacent parcels within the mixed use area.
3. The zone shall have a minimum of 50 ft. of frontage onto an existing or planned public street.

Section 3.27.30 - PERMITTED USES

3.27.30.01 - Ministerial Development

a. Primary Uses Permitted Outright

1. Residential Use Types
 - (a) Family
 - (b) Group Residential
 - (c) Group Residential/Group Care
 - (d) Residential Care Facilities
2. Residential Building Types
 - (a) Single Detached (existing prior to adoption of this Code)
 - (b) Single Attached (zero lot line - 2 units)

- (c) Duplexes (existing prior to the adoption of this Code)
- (d) Attached (Townhouse)
- (e) Multi-Dwelling (includes freestanding buildings and dwelling units in commercial or industrial buildings)
- (f) Accessory Dwelling

All residential use types are subject to compliance with section 3.27.40.01 - Preservation of Industrial Land Supply.

3. Civic Use Types

- (a) Administrative Services
- (b) Social Service Facilities
- (c) Cultural Exhibits and Library Services
- (d) Lodges, Fraternal and Civic Assembly
- (e) Parking Services
- (f) Postal Services
- (g) Public Safety Services
- (h) Religious Assembly
- (i) Transit Facilities
- (j) Freestanding wireless telecommunication facilities up to 60 ft. in height, subject to the standards in Chapter 4.9 - Additional Provisions.

A civic use type that exceeds 5,000 sq. ft. must demonstrate that it primarily serves the immediate area.

4. Commercial Use Types

- (a) Agricultural Sales
- (b) Animal Sales and Services
 - 1. Grooming

- 2. Veterinary
- 3. Indoor Kennels (with sound attenuation)
- (c) Building Maintenance Services
- (d) Business Equipment Sales and Services
- (e) Business Support Services
- (f) Communication Services
- (g) Construction Sales and Service
- (h) Convenience Sales and Personal Services
- (i) Day Care, Commercial Facility
- (j) Eating and Drinking Establishments - Sit Down (30 seats or less)
- (k) Financial, Insurance, and Real Estate Services
- (l) Food and Beverage Sales
- (m) Laundry Services
- (n) Participant Sports and Recreation (indoor facilities limited to less than 299 capacity)
- (o) Professional and Administrative Services
- (p) Repair Services - Consumer
- (q) Research Services
- (r) Retail Sales -General (limited to 10,000 sq. ft. of floor area per building)
- (s) Technical Support Center (20 or fewer employees per shift)
- (t) Telemarketing Center (20 or fewer employees per shift)
- (u) Temporary Outdoor Markets
- (v) Wholesaling, Storage and Distribution

Commercial use types included in the list above and classified as primary uses permitted outright in the Limited Industrial and/or General Industrial zones may be considered as "industrial uses" for the purposes of calculating minimum floor area ratios (FARs) as required by section 3.27.40.01 and as addressed in section 3.27.30.02.

5. Industrial Use Types

- (a) Limited Manufacturing - 20 or fewer employees per shift and does not require a State or Federal air quality discharge permit, except for parking
- (b) General Industrial Uses in association with sales
- (c) General Industrial Uses that do not result in the following nuisance conditions detectable from the boundaries of the subject property. Nuisance conditions can result from any of the following:
 - 1. Continuous, frequent, or repetitive noises or vibrations;
 - 2. Noxious or toxic fumes, odors, or emissions;
 - 3. Electrical disturbances; or
 - 4. Night illumination into residential areas.

Exceptions - Noise and vibrations from temporary construction; noise from vehicles or trains entering or leaving the site; noise and vibrations occurring less than 15 minutes per day; an odor detected for less than 15 minutes per day; and noise detectable only as part of a composite of sounds from various offsite sources.

b. Accessory Uses Permitted Outright

- 1. Essential Services
- 2. Day Care, Family Facility
- 3. Home Business, when conducted in conjunction with a permitted residential use
- 4. Required off-street parking in accordance with Chapter 4.1 - Parking, Loading, and Access Requirements
- 5. Other development customarily incidental to the primary use in accordance with Chapter 4.3 - Accessory Development Regulations

6. Colocated/attached wireless telecommunication facilities on multi-family (three or more stories) residential structures that do not increase the height of the existing structures by more than 17 ft. for whip antennas, including mounting, or by 10 ft. for all other antennas, subject to the standards in Chapter 4.9 - Additional Provisions.
7. Colocated/attached wireless telecommunication facilities on nonresidential structures that do not increase the height of the existing structures by more than 17 ft. for whip antennas, including mounting, or by 10 ft. for all other antennas, subject to the standards in Chapter 4.9.

3.27.30.02 - Special Development

- a. **Conditional Development** - Subject to review in accordance with Chapter 2.3 - Conditional Development and other applicable provisions of this Code.

1. Automotive and Equipment
 - (a) Cleaning
 - (b) Fleet Storage
 - (c) Parking Services
 - (d) Repairing, Light Equipment and Heavy Equipment
2. Drive-Through Facilities (financial institutions, eating establishments, etc.)
3. Eating and Drinking Establishments - Sit Down (more than 30 seats)
4. Community Recreation
5. Major Services and Utilities (except Transit Facilities)
6. Spectator Sports and Entertainment - Small Facilities (capacity less than 300)
7. Limited Manufacturing - more than 20 employees per shift and uses that do not result in the following nuisance conditions detectable from the boundaries of the subject property. Nuisance conditions can result from any of the following:
 - (a) Continuous, frequent, or repetitive noises or vibrations;
 - (b) Noxious or toxic fumes, odors, or emissions;

- (c) Electrical disturbances; or
 - (d) Night illumination into residential areas.
8. Technical Support Center (more than 20 employees per shift)
 9. Telemarketing Center (more than 20 employees per shift)
 10. Freestanding telecommunication facilities greater than 75 ft. in height, subject to the standards in Chapter 4.9 - Additional Provisions
 11. Freestanding wireless telecommunication facilities that do not meet the setback or spacing standard requirements of sections 4.9.60.02.b and 4.9.60.02.c in Chapter 4.9.
 12. Colocated/attached wireless telecommunication facilities on multi-family (three or more stories) residential structures that increase the height of the existing structures by more than 17 ft. for whip antennas, including mounting, or by 10 ft. for all other antennas, subject to the standards in Chapter 4.9.
 13. Colocated/attached wireless telecommunication facilities on nonresidential structures that increase the height of the existing structures by more than 17 ft. for whip antennas, including mounting, or by 10 ft. for all other antennas, subject to the standards in Chapter 4.9.

Exceptions - Noise and vibrations from temporary construction; noise from vehicles or trains entering or leaving the site; noise and vibrations occurring less than 15 minutes per day; an odor detected for less than 15 minutes per day; and noise detectable only as part of a composite of sounds from various offsite sources.

3.27.30.03 - General Development

- a. **Plan Compatibility Review** - Subject to review in accordance with Chapter 2.13 and other applicable provisions of this Code.
 1. Minor Utilities subject to standards in Chapter 4.9 - Additional Provisions
 2. Transit Facilities
 3. Projections such as chimneys, spires, domes, towers, and flagpoles not used for human occupancy and exceeding 55 ft. in height (unless the height limit for the subject property is 75 ft. per section 3.27.40.03,

in which case the threshold is 75 ft.), in accordance with section 4.9.50 of Chapter 4.9 - Additional Provisions.

4. Non-industrial uses that exceed the square footage of industrial uses.
Note: Commercial use types listed in section 3.27.30.01.a.4 and classified as primary uses permitted outright in the Limited Industrial and/or General Industrial zones may be considered as "industrial uses" for the purposes of calculating these square footages.
5. Freestanding wireless telecommunication facilities 61- to 75-ft. in height, subject to the standards in Chapter 4.9.

Section 3.27.40 - DEVELOPMENT STANDARDS

The following provisions identify development standards within the MUE Zone. Additional flexibility is provided through the Planned Development (Chapter 2.5) and Lot Development Option (Chapter 2.12) review processes.

3.27.40.01 - Preservation of Industrial Land Supply

- a. A minimum floor area ratio (FAR) of 0.25 of industrial structure/use is required for all properties with a Comprehensive Plan Map designation of Industrial. This requirement is to ensure that industrial land is preserved for primarily industrial purposes. This provision does not apply when a commercial use in an industrially designated property is applied to an existing residential building that existed prior to the adoption of this MUE Zone. This provision also does not apply when a residential use is applied to an existing commercial building within an industrial zone that existed prior to the adoption of this MUE Zone. The industrial uses on an MUE site are required to be developed prior to or concurrently with residential and commercial uses, with the exception of residential and/or commercial uses in existence as of the adoption of this MUE Zone.
- b. When a project is composed of two or more phases, the mixed use site shall be reviewed as a Planned Development, and each phase shall meet the minimum 0.25 FAR as described in "a" above.
- c. Where the square footage of the non-industrial use(s) exceeds the square footage of the industrial uses(s), the development site shall be subject to a Plan Compatibility Review process.
- d. When a MUE Zone is approved for a site, a deed restriction recognizing the industrial character and underlying industrial land use designation of the property shall be recorded on the parcel(s) involved at the time the MUE Zone is approved.

Note: Commercial use types listed in section 3.27.30.01.a.4 and classified as primary uses permitted outright in the Limited Industrial and/or General Industrial zones may be considered as “industrial uses” for the purposes of calculating minimum floor area ratios (FARs) and square footages as required in this section. These provisions are intended to protect the City’s inventory of industrial land, in conformance with Statewide Goal 9 (Economic Development) and the Comprehensive Plan. By preserving a minimum amount of land in the MUE Zone that must be used for industrial (i.e., employment) purposes, the City can ensure compliance with Goal 9.

3.27.40.02 - Minimum Lot Area and Setback Requirements

- a. A setback of not less than 25 ft. shall be provided along each MUE Zone boundary line abutting any residential (RS) zone. Off-street parking and loading shall be permitted in this area except within 15 ft. of the zone boundary line, which shall not be used for any permitted use, activity, or structure (other than fences, walls, driveways, or walkways). Driveways, parking, and loading areas adjacent to residential zones shall be landscaped and screened in accordance with Chapter 4.2 - Landscaping, Buffering, Screening, Natural Resource Protection, and Lighting.
- b. The requirements for residential structures containing a residential use shall be in accordance with Chapter 3.8 - High Density (RS-20) Zone and the Mixed Use Design Guidelines in this chapter.
- c. For maximum permitted setbacks, refer to section 3.27.50.02.

3.27.40.03 - Structure Height

Structure height shall not exceed 45 ft. on sites that are zoned solely MUE or that have a Comprehensive Plan Map Designation of Limited Industrial or Research Technology. If a site is developed as a Planned Development and in a manner compatible with any adjacent residential property(ies), the structure height may be increased to 75 ft. consistent with section 3.27.50.09. If a site’s Comprehensive Plan Map designation is General Industrial or Intensive Industrial, structure heights may be 75 ft.

3.27.40.04 - Green Area Standards

A minimum of 20 percent of the total site area shall be retained as green area. Green area may include landscape areas, natural areas, and/or pedestrian amenities consistent with section 3.27.50.07, except that a minimum of 10 percent of the required site shall be landscaping or preserved vegetation. The site and building design standards of this chapter shall also be met. Structures, parking, and driveways of interior parking areas are excluded from the green area. Landscaping and lighting shall be in accordance with Chapter 4.2 - Landscaping, Buffering, Screening, Natural Resource Protection, and Lighting.

3.27.40.05 - Off-Street Parking

Off-street parking shall be provided in accordance with Chapter 4.1 - Parking, Loading, and Access Requirements. Required parking shall be provided on the same site as the use or upon abutting property. Street right-of-way shall be excepted when determining contiguity, except on arterials and collectors where there is not a controlled intersection within 100 ft. of the subject property. Chapter 4.1 allows adjustments to minimum parking standards when transit service and bicycle parking are available. Additional flexibility for required vehicle parking may be granted in the MUE Zone in conformance with the following standards:

- a. Shared parking agreements may be used to provide additional reductions in required parking, provided that the applicant demonstrates an adequate supply of parking for each use. Identification of surplus parking during peak periods or surplus capacity provided due to off-peak use are methods of demonstrating this adequacy.
- b. Additional flexibility to vehicle parking provisions may be granted through the Lot Development Option when the site is less than 3 acres, or through the Planned Development procedure (chapters 2.12 and 2.5, respectively). This flexibility is provided to encourage development patterns that reduce the reliance on the automobile by taking advantage of alternate modes of travel.

Section 3.27.50 - DESIGN GUIDELINES AND STANDARDS

3.27.50.01 - Coordinated Development

New development shall be designed in a manner not to preclude development of adjacent property(ies) and to ensure the logical and efficient extension of public facilities and services, including but not limited to sanitary sewer, water, storm drainage, street, and pedestrian facility connections.

3.27.50.02 - Building Orientation and Maximum Setbacks

- a. All new buildings in the MUE Zone shall be oriented to existing or proposed public streets or to private streets as approved by the City. Building orientation is demonstrated by placing buildings and their public entrances close to streets so that pedestrians have a direct and convenient route from the street sidewalk to building entrances.
- b. At least one major public entrance should be oriented to each street that the building abuts. Corner entrances may be used to provide entrance orientation to two streets, provided that the length of the building adjacent to the street does not exceed 50 ft.
- c. Building setbacks from streets or plazas shall not exceed 20 ft., except where necessary to preserve healthy, mature tree(s); to provide pedestrian

amenities in conformance with section 3.27.50.07; or to accommodate handicapped access requirements. A further exception to these setback requirements may be considered when the site is fronted by more than two streets.

3.27.50.03 - Corner Building Entrances

For all new buildings or when redevelopment opportunities allow, the design of corner lot buildings should reinforce public intersections as public spaces. As an example, corner building entrances with weather protection or other architectural features may be required to ensure that this guideline is met. The maximum allowable building setback may be increased when the building design incorporates seating, plazas, and other public amenities, as defined by section 3.27.50.07.

3.27.50.04 - Weather Protection

- a. Where new industrial development is constructed adjacent to street sidewalks or pedestrian plazas, a 6-ft.-wide, weather-protected area (e.g., awnings or canopies) shall be provided over the primary entrance.
- b. Where new commercial or residential development is constructed adjacent to street sidewalks or pedestrian plazas, a 6-ft.-wide, weather-protected area (e.g., awnings or canopies) shall be provided along the portion of building(s) adjacent to the sidewalks and/or plazas.
- c. For existing development, weather protection as identified in “a” and “b” above shall be provided when alterations, repairs, or additions to existing structures are made. However, an exception to meeting this weather-protection standard may be requested where the applicant can demonstrate, to the satisfaction of the Director, that the cost of improvements to the existing structure is less than four times the cost of providing an awning. In addition, where weather protection is at least 4 ft. in width, an exception to this standard may be authorized.

3.27.50.05 - Landscaping and Screening

Landscaping and screening shall be required in accordance with Chapter 4.2 - Landscaping, Buffering, Screening, Natural Resource Protection, and Lighting. The following additional standards apply to the MUE Zone:

- a. Street trees shall be required, consistent with Chapter 4.2. Species should be compatible with the design features identified in section 3.27.50.07, and shall provide continuity with nearby landscaping. A reduction in the number of required street trees may be granted when a development preserves healthy, mature tree(s) adjacent to the sidewalk.

- b. Screening of parking areas, driveways, mechanical equipment, and solid waste receptacles shall be provided and installed prior to building occupancy. Screening options include landscape plants, planters, ornamental walls, trellises, fences, or other features consistent with Chapter 4.2.
- c. Irrigation systems shall be installed to support landscaping.

3.27.50.06 - Street Connectivity and Internal Circulation

- a. For new structures and substantial improvements to existing development, an applicant may be required to provide street or driveway stubs and reciprocal access easements to promote efficient circulation between uses and properties, and to promote connectivity and dispersal of traffic.
- b. The maximum block perimeter shall be 1,800 ft., but in no case shall there be a distance of more than 400 ft. without a pedestrian walkway. Alternatives to this standard may be considered through the Planned Development process.
- c. Traffic lanes shall be internal to the site and not located between the building(s) and the sidewalk(s), except where drop-off facilities are provided (e.g., handicapped access). Such facilities shall be designed to meet Americans with Disabilities Act (ADA) requirements and provide for direct pedestrian circulation.

3.27.50.07 - Pedestrian Amenities

- a. All new structures and substantial improvements in the MUE Zone, with the exception of existing residential dwellings, shall provide pedestrian amenities. The number of pedestrian amenities provided shall comply with the following sliding scale.

Size of Structure or Substantial Improvement	Number of Amenities
< 25,000 sq. ft.	1
25,000 - 50,000 sq. ft.	2
> 50,000 sq. ft.	3

- b. Acceptable pedestrian amenities include:
 - 1. Sidewalks with ornamental treatments (e.g., brick pavers) or sidewalks that are 50 percent wider than required by this Code.
 - 2. Benches and public outdoor seating.

3. Sidewalk planters.
 4. Public art (e.g., sculpture, fountain, clock, mural, etc.) with a value equal to or greater than 1 percent of the construction value of the structure(s).
 5. Pocket parks (minimum usable area of 300 sq. ft.).
 6. Plazas (minimum usable area of 300 sq. ft.).
 7. Street trees of a caliper 50 percent wider than required by this Code (may include preservation of healthy, mature trees adjacent to the street sidewalk).
 8. Other improvements approved through the Lot Development Option or Planned Development process.
 9. Additional weather protection in excess of the requirements of section 3.27.50.04.
- c. Pedestrian amenities shall comply with the following standards and guidelines:**
1. Amenities should be visible and accessible to the general public from an improved street. Access to pocket parks, plazas, and sidewalks must be provided via a public right-of-way or a public access easement.
 2. The size or capacity of pedestrian amenities should be roughly proportional to their expected use, including use by employees, customers, residents, and other visitors. The minimum area standards for pocket parks and plazas may be increased based on this guideline.
 3. Amenities that are eligible for credit toward open space standards and adjustment to the maximum 20-ft. setback standard, include plazas, pocket parks, seating areas, and other areas that provide usable pedestrian space and street furniture.
 4. Amenities should be consistent with the character and scale of the MUE area. For example, similarity in awning height, bench style, planter materials, street trees, and pavers is recommended to foster continuity in the design of pedestrian areas. Materials should be suitable for outdoor use, easily maintained, and have a reasonably long life cycle (e.g., 10 years before replacement).

5. When provided at or near a bus stop, amenities should generally conform to standards of the Corvallis Transit System.

3.27.50.08 - General Building Design Standards

Mixed use zones require special attention to building design because of the intermixing of land uses in such areas. The following standards are intended to be specific and quantifiable, while allowing for flexibility in design. Additional flexibility is provided through the Planned Development and Lot Development Option review processes. This section provides both required and optional design elements.

a. Minimum Requirements

New structures and substantial improvements should provide architectural relief and interest, with emphasis at building entrances and along sidewalks, to promote and enhance a comfortable pedestrian scale and orientation. Blank walls shall be avoided when practicable by complying with the following minimum requirements:

1. Ground-floor windows shall be provided for civic and commercial use types. The main front elevation(s) of buildings shall provide at least 60 percent windows or transparency at the pedestrian level (on corner lots, this provision applies to two elevations). The transparency is measured in linear fashion (e.g., a 100-ft.-wide building facade shall have a total of at least 60 linear ft. of windows).
2. Ground-floor windows shall be provided for industrial use types. The main front elevation(s) of buildings shall provide at least 30 percent windows or transparency at the pedestrian level (on corner lots, this provision applies to two elevations). The transparency is measured in linear fashion (e.g., a 100-ft.-wide building facade shall have a total of at least 30 linear ft. of windows).
3. Ground-floor entrances shall include an offset (recesses, extensions or other breaks in elevation) of at least 8 ft. in depth and of sufficient width to easily discern the entrance location.
4. To break up vast expanses of single-element building elevations, building design shall include a combination of architectural elements and features such as offsets, windows, entry treatments, wood siding, brick, stucco, synthetic stucco (e.g., EIFS), textured concrete block, textured concrete, etc.
5. Provide differentiation between ground-level spaces and upper stories. For example, bays or balconies for upper levels and awnings, canopies, or other similar treatments for lower levels can provide differentiation. Variation in building materials, trim, paint,

ornamentation, windows, or other features such as public art may also be used. Recognizing that other design solutions may be appropriate, a developer may propose alternatives for review and approval by the Director.

6. Ensure privacy in residential developments through effective window placement, sound-proofing, landscape screening, and/or orientation of outdoor living areas (e.g., balconies, porches, patios, etc.). Opposing windows at close distances should be offset horizontally or should employ appropriate materials (e.g., frost-glazed, tinted, etc.) to protect privacy.
7. Access shall be designed to minimize interference with traffic circulation. Where necessary, additional rights-of-way shall be dedicated to maintain adequate circulation.

3.27.50.09 - Neighborhood Compatibility

a. Minimum Standards Adjacent to a Residential Zone

1. New building roof elevation(s) shall gradually step down so that the height of the proposed structure does not exceed the height(s) of adjacent residential structures(s) by more than one story. This provision applies to that portion of the structure closest (20 ft., minimum) to the adjacent residential structures.
2. New development adjacent to residential zones shall incorporate architectural characteristics compatible with residential development. Each new structure shall contain a minimum of at least two of the following elements:
 - (a) Roofs with a minimum 4:12 pitch;
 - (b) Flat roofs with a cornice or other decorative treatment;
 - (c) Horizontal wood lap siding, brick, stone, or other material that, at the discretion of the Director, is consistent with residential character;
 - (d) Vertical breaks in roof elevation; and/or
 - (e) Additional offsets in building elevation.
3. The site design shall preserve healthy, mature trees on the site to the maximum extent practicable. Trees likely to create a hazard for the development or adjacent properties may be removed, consistent with Chapter 4.2.

4. Artificial lighting shall be consistent with Chapter 4.2.

Section 3.27.60 - VARIATIONS

Variations from development and design standards (i.e., the standards in this chapter and in other chapters addressing parking, landscaping, public improvements, and pedestrian oriented design standards) may be achieved through the Planned Development and Lot Development Option processes outlined in chapters 2.5 and 2.12 of the Code.